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LIABILITY FOR TREASON AND ESPIONAGE. G.S. ANASKIN, Judge, Candidate of Juridical Sciences.



WHAT ACTIONS CONSTITUTE ESPIONAGE

Criminal legislation establishes that the objective side of espionage is characterized by the following actions of the subject: a) transmission, or b) stealing for the purpose of transmission, or c) collection for the purpose of transmission to a foreign state, a foreign organization, or their agents information constituting a state or military secret, or d) the transmission or collection of other information according to the assignment of a foreign intelligence agency for use of them to damage the interests of the USSR.

The most widely distributed form of espionage is the collection of espionage information.

By the collection of espionage information we should understand the assembly of information by means of personal observation, photographing the appropriate objects, eavesdropping, questioning, analysis of the readings of all sorts of scientific and engineering instruments, materials published in departmental bulletins, factory newspapers, local and other newspapers, reports, etc.

For purposes of the best organization of the intelligence service, functions are distributed among spies.

Thus, the employees of the CIA are divided into two basic groups. One group consists of spies in the full sense of the word, operating by "cloak and dagger" methods. The other group consists of employees whose work is primarily of an analytical nature¹ [Notell: See E. Tally, "Inside American Intelligence" (Za rubezhom [Abroad], 1963, No. 12, p. 22).].

In turn, spies collecting information are also divided into several groups. These are residents, spy observers, agent informers, "finger men" [agenty-navedchiki], couriers, etc.

The methods and means of spy activity in recent years have changed considerably, which has brought with it definite changes

in the structure and organization of the activities of intelligence organs. All these problems, as going beyond the limits of the theme of investigation proposed by us, are not considered in this work. However, we will dwell on certain methods of espionage activity, which to a definite measure characterize the objective side of the composition of the crime under consideration.

It is known that for purposes of collecting spy information, spies are secretly sent to the territory of the USSR by various illegal channels.

American intelligence has made many attempts to organize the collection of the information needed to it by means of aircraft, flying along the boundaries of the Soviet Union, and by means of the intrusion of aircraft into the airspace of the USSR.

Thus, from 1953 to 1956 American aircraft violated the aerial boundaries of the USSR 113 times, and flew into the airspace of the European countries of the people's democracy 211 times¹ Note 1: See G. Levitskiy and I. Solodkin, Podryvnaya deyatel'nost' imperialisticheskikh razvedok protiv SSSR i stran narodnoy demokratii (The Subversive Activity of Imperialist Intelligence Agencies Against the USSR and the Countries of the People's Democracy), Leningrad, 1958, p. 20. In the period from 1953 to 19 July 1960 alone the Soviet government made 17 protests to the Security Council of the United Nations Organization (UNO) concerning violations of the state boundary of the USSR by American military aircraft² Note 2: See Poyunny e polichnymi (Caught with the Goods), p. 64.

According to a declaration by former employees of the National Security Agency of the USA, Bernon Mitchell and William Martin, the intrusion of American aircraft into the airspace of the USSR or their flights along Soviet boundaries are used by this agency to obtain information, by means of special equipment, concerning the degree of readiness, precision, and efficiency of radar defenses, and also the structure of the internal defense of the Soviet Union³ Note 3: Ibid., p. 91.

Thus, in January-February 1956, the USA, by means of balloons carrying cameras, conducted an aerial reconnaissance of the European part of the territory of the USSR. In July 1958, a mass launching of high-altitude drifting camera-carrying balloons was accomplished in the direction of the Far East, Siberia, and the Urals.

As a consultant of the U.S. Air Force, Colonel Richard S. Leghorn, stated as early as 1955, the aerial espionage of Ameri-

can intelligence is advisable in that it may be "conducted secretly and without Soviet permission, but with less losses and with better results for the West"¹ Note 1: U.S. News and World Report, August 1955.

Practice, however, demonstrates that aerial espionage, on which so many hopes were pinned has not given the results desired: balloons and aircraft, as a rule, have been shot down, and those that succeeded in surviving did not produce valuable intelligence data.

As has been noted in the Soviet press, the materials obtained as a result of spy flights, are not of any significance for providing for the defense of the USA. It is well known that the flights of espionage aircraft have been made in regions where there are no rocket bases of ours. Two or three years ago, regions of our fields where the experimental launching of rockets is performed were photographed. It was the areas that are used for tests of rocket weapons that were photographed, and not strategic military rocket bases² Note 2: See Pravda, 22 June 1960.

The failure of this type of intelligence activity led to the designing of a special spy aircraft, which was invulnerable, in the opinion of its creators, to the Soviet system of air defense. However, it is known to what the provocative flight of the "U-2" aircraft under the control of the spy pilot Francis Powers led on 1 May 1960. The aircraft was shot down by Soviet rocket troops, and Powers was arrested and brought to trial.

However, this did not stop American intelligence. One more "U-2" aircraft violated the boundary of the Soviet Union in the Far East in a provocative manner.

The sad consequences of this spy voyage forced the American militarists and the CIA to develop special aircraft radar sets, making it possible to conduct reconnaissance by means of photographing the terrain without intruding into the airspace of the enemy. For these purposes a special radar was designed, called the "side looking radar" (or SLAR in abbreviation). In less than a year and a half, such radar sets were installed in 11 twin-motor aircraft.

Photography may be performed several hundred miles from the objective on both sides of the aircraft in a strip of considerable width. Aboard the aircraft, besides the SLAR, an apparatus is placed for the detection of heat rays, making it possible to photograph objects by night¹ Note 1: See B. Moskvin, "SLAR, Which means 'Looking to the Side'" (Izvestiya/Week, 13-19 January, 1963, p. 11).

For their reactionary, militaristic purposes American intelligence agencies are striving also to use such a triumph of human genius as satellites of the Earth. The USA is systematically launching into orbit spy satellites of the "Samos", "Midas", "Discoverer", and other types. These satellites are equipped with television cameras, transmitting their images to ground stations. In the USA such satellites are advertised as "spies in the sky"² [Note 2: See Pravda, 10 April 1962.]

As of May 1962, the United States of America had seven secret military satellites, which were revolving around the Earth. Each satellite passed over the Soviet Union several times a day. Two "Midas" satellites had an attachment based on the effect of infrared rays, which may detect heat radiated by a rocket being launched. Three "Samos" satellites were launched for the purpose of replacing the ill-famed "U-2" aircraft. The two "Discoverer" satellites may discharge containers, which can be picked up in the air or in the ocean, containing data collected during the flight, including films, which may be developed on the Earth³ [Note 3: See New York World Telegram and Sun, 27 May 1962.]

In the words of the military observer of the newspaper New York Times, Hanson Baldwin, "The new art of reading images", which has replaced the reading of aerial photographs during the period of World War II, is a complex analysis of all types of pictures, infrared and radar images, electronic examinations, radio intercepts, etc., obtained by means of reconnaissance by electronic devices and communications devices, and also by means of motion-picture cameras installed in satellites¹ [Note 1: See New York Times, 26 July 1963.]

According to a correspondent of the Associated Press agency, the American ruling circles are trying to assign the outstanding role to spy satellites. As if by means of spy satellites it was possible to force the Soviet government to "change its political course" (?). In the opinion of an observer of the newspaper New York Herald Tribune, as a result of the invention of the spy satellite, "the real contours of the universe" have "radically changed", since "Soviet society has practically ceased to be closed" for intelligence and the collection of espionage data.

All this, of course, is gross self-advertising of the intelligence agencies of the USA, caused by the necessity of raising the prestige of the Central Intelligence Agency, which has been shaken as the result of a large number of failures. Besides this, this self-glorification has the purpose of lulling the vigilance of the Soviet people.

In spite of the obvious facts testifying that the USA is conducting subversive activity against other countries by means of spy satellites, in violation of the norms of international law, in the bourgeois states are people who consider such practice lawful.

Thus, in the juridical committee of the UNO on space, during discussions on problems of the investigation and use of cosmic space, the Soviet delegates quite correctly subjected to criticism the position of the Canadian delegate that, as he said, space law cannot provide for prohibition of espionage from space. The representative of the USSR emphasized that both norms of general international law and norms of marine and aerial law do not leave any doubts with reference to the illegality of any espionage, including espionage from space. The use of artificial satellites of the Earth for the collection of information of an intelligence nature on the territory of a foreign state is espionage. Espionage, according to laws of all states, without exception, is considered as a crime. In one of the resolutions of the Organization of American States, espionage is qualified as "an act of political aggression", i.e., as a most serious international crime.¹ Note 1: See Nedelya, 29 July-4 August 1962, p. 27.

International law considers any forms of espionage, and consequently also espionage accomplished by means of artificial satellites of the Earth, as an intolerable encroachment on the territorial inviolability and political independence of states. The appearance of new methods of collecting espionage information does not reduce, but even increases the danger of the simplest methods of espionage.

Until recent times, the collection of intelligence data was accomplished by spies, dropped from American aircraft by means of parachutes.

In the Sbornik faktov o shpionazhe i drugikh podryvnykh deystviyakh SSHA protiv SSSR (Collection of Facts Concerning Espionage and other Subversive Acts of the USA Against the USSR), published at the end of 1960 by the Soviet Information Bureau, more than 20 names of American spies dropped into the territory of the USSR by parachute in recent years are given.² Note 2: See Poyunny e polichnyai, pp. 38-64.

Spies are also sent by other routes. Thus, in the summer of 1960, state security organs unmasked and agent of American intelligence, Slavnev, who was arrested during an attempt to cross the state boundary into Iran. Slavnev had gone through thorough training in American intelligence schools located in the Federated Republic of Germany. He had as his assignment the collection of intelligence data concerning industrial pro-

jects of the USSR, and primarily to ascertain the location of intercontinental ballistic rocket bases and air-defense facilities of our country. Besides this, American intelligence had given him the assignment of obtaining samples of various documents of Soviet citizens, (passports, Komsomol membership cards, etc.), which the Central Intelligence Agency of the USA proposed to use later on for purposes of supplying them to other American spies sent to the Soviet Union. To conduct his espionage work, Slavov was provided with large sums of Soviet and foreign currency and provided with the appropriate equipment and weapons, in particular a pistol with a silencer. [Note 1: See N. Christyakov, "Vigilance - Our Weapon!" (Sotsialisticheskaya zakonnost' / Socialist Law/, 1960, No. 10, pp. 18-21).]

The State Security Committee of the Council of Ministers Georgian SSR in 1953 detained the spies Kamil' Gil' and Isa Kamil', who were dropped in the USSR from the territory of Turkey. The spies were found to have carefully hidden written instructions on the collection of espionage information, false passports prepared by foreign intelligence, two pistols with magazine capacities of thirteen cartridges, and ammunition for them, three cameras, special devices for crossing boundaries, field binoculars, a compass, a large sum of Soviet money, food concentrates, and various personal articles. Confronted by these proofs, Kamil' Gil' and Isa Kamil' admitted that they were agents of Turkish intelligence and were sent from Turkey to the USSR with an intelligence assignment. Later they indicated that they had gone through special training for their espionage activities under the direction of American instructors. [Note 2: Ibid.]

West Berlin, which has been turned by the NATO countries into a center of subversive activity, international provocation, and espionage, not only against the German Democratic Republic, but against all the socialist countries, is frequently used for sending spies into the countries of the socialist camp. In a year and a half alone, about 4000 agents of the western powers were caught in the territory of the GDR. [Note 3: See speech of A.N. Shelopin at the 22nd Party Congress (XXII s"yezd Komunisticheskoy partii Sovetskogo Soyuza. Steno grammaticheskiy otchet / 22nd Congress of the Communist Party of the Soviet Union. Stenographic Report/, Vol. II, p. 409).]

The data showed that in recent years the intelligence organs of the USA have been actively using for their purposes the expanding economic, trade, and cultural connections.

The imperialist states strive to use the growing contacts between the countries of opposing social systems for conducting subversive work.

Spies are sent to the USSR for education and are included in the compositions of delegations and tourist groups. Not infrequently, "tourist" trips throughout the Soviet Union in automobiles are organized using funds from American intelligence.

In 1959 in the USA the so-called "Information Center for Americans Traveling in the Soviet Union" was formed. The center has developed a special questionnaire, according to which tourists going to the USSR must collect espionage information concerning our country.

The juridical committee of the American Senate has approved a draft of a law concerning the issuing of foreign passports. According to this draft law, everyone receiving a passport for a trip abroad, is obligated to give an oath that upon his return from abroad he will transmit to the State Department an "exhaustive and precise account concerning all the localities that the tourist visited".¹ Note 1: See Yu. M. Pchelukov, O politicheskoj bditel'nosti sovet'skikh lyudej (On the Political Vigilance of Soviet People), pp. 18-19.

We will show by examples how this works in practice.

The young Chicago businessman Robert Dorlin, before his tourist trip to the USSR, was visited by a representative of the CIA, who proposed to him to make some sort of "observations" during his trip and then report them to the CIA in letter form.² Note 2: Izvestiya, 1 September 1960.

A student of a theological faculty, Stanley Mumford, who arrived in Moscow as a member of an American delegation to the 6th World Festival of Youth and Students, had as his assignment reconnoitering one project, but was arrested while attempting to photograph it.

The American tourists Robert Christner, Mark I. Kaminskiy, Harvey K. Bennet, and the American Professor Shaw, who arrived at Moscow to attend a congress of experts in Slavic studies, Alexander Heckner, who visited the Soviet Union as a member of a delegation of petroleum workers from the USA, the American graduate student Luter, who came to study in Moscow State University, and Olga Rowe, who was sent to Moscow in the guise of a student - this is far from a complete list of the persons who were sent by American intelligence to the USSR in the guise of tourists, scientists, members of delegations, or students.¹ Note 1: See Poyimny e polichnyimi, pp. 77-80; faktov... (Fact Book), pp. 83-85.

Enemy agents, sent to our country, are thoroughly instructed in methods of carrying out their assignments. Thus, one of the

agents of American intelligence, having as his assignment collecting information concerning two airports and several industrial projects, showed that he was to fulfill this assignment by means of personal observations, eavesdropping and becoming acquainted with people working at the projects, in conversations with which he was to worm the interesting information out of them, and also by means of photographing everything that was of interest² Note 2: See Ye.M. Pinchukov, O politicheskoy bdi-tel'nosti sovetskikh byudov, p. 13.

As the American magazine Parade reports, the armament of spies includes cameras which are capable of making photographs through buttonholes, microfilm, which may be hidden under a postage stamp on an envelope, incendiary cigarettes, and candy filled with a phosphoric mixture.

Together with the methods listed, the Central Intelligence Agency of the USA uses American diplomatic representatives, accredited abroad, for the collection of political and military secrets and other information. We should note that this method of collecting information was widely used by Hitler Germany. Now the CIA uses the buildings and personnel of American diplomatic missions abroad literally as their own department. This is especially facilitated by the fact that the use of American embassies for the organization of espionage and subversion has been legalized: in 1952 the Congress of the USA passed the law according to which "employees of the information service may occupy the positions of councillors and first secretaries in embassies"¹ Note 1: Za rubezhom, 1961, No. 16, p. 12.

In practice this leads to the fact that the personnel of American embassies abroad consist primarily of agents of the Central Intelligence Agency and the Federal Bureau of Investigation, rather than diplomats. These revelations were presented by the newspaper New York World Telegram and Sun. Expressing dissatisfaction with the activity of American intelligence, which, in the opinion of the newspaper, was guilty of failure in Cuba, in South Vietnam, Cambodia, Zanzibar, and Panama, the newspaper writes that the agents of the Federal Bureau of Investigation are officially appointed to American embassies abroad with the rank of diplomatic attache. However, the newspaper emphasizes, their number in the embassies is small in comparison to the number of agents of the Central Intelligence Agency. According to its declaration, the contingent of American intelligence agents in embassies "frequently exceeds the entire composition of representatives of the State Department in them"² Note 2: New York World Telegram and Sun, 24 January 1964.

The scales of the use of aides to military, air, and naval

Such is far from a complete list of the methods of collecting espionage information.

In analyzing the forms of espionage, we must fail to call attention to the following: while previously the most widely distributed method of collecting information was personal observation of some events or other by "observers" and the establishment of information by means of questioning citizens, officials, or eavesdropping on their conversations, or purchasing some data or other, etc., in recent times the intelligence services of the imperialist states have been seeking new and most effective forms and methods of activity, using for this the latest achievements of science and engineering.

Thus, according to the acknowledgement of the former director of the CIA, Allen Dulles, less than 20 percent of the information received by the CIA comes from spies. The other 80 percent is supplied by a corps of specialists in the analysis of intelligence data. Specialists in the most diversified problems are included in this corps² [Note 2: See Za rubezhom, 1963, No. 37, p. 23.]. West German intelligence, for example, uses more than 500 scientists and academicians in their staff³ [Note 3: See Za rubezhom, 1963, No. 35, p. 31.].

Searches for new methods of conducting espionage against the USSR and the entire socialist camp is explained, together with other reasons, by the lack of success and failures in activity of the intelligence organs of the imperialist states.

Further strengthening of the moral and political unity of Soviet society, and the ever increasing vigilance of Soviet people, reliable protection of the state boundaries, all create insurmountable obstacles for the activities of imperialist intelligence services. For them it is becoming ever more difficult to find agents, not only within our country, but even beyond its limits. This dirty business - subversive activity against the USSR, the homeland of the workers - at the present time causes hate and perturbation among honest people of the entire earth.

Now great importance in the collection of espionage information is given to all sorts of forms and means of intercepting radio transmissions, radio signals, signals from radar installations, radio direction finders, etc. Thus, according to data from the American journal Ibis, along the entire boundary between the East and the West, from Iran to the Baltic Sea, intercept stations are located, served in the majority of cases by draftees, who are trained in Morse code or the Russian language, and carefully fix the smallest piece from Russian transmitters installed aboard ships, in tanks, airplanes, in military units,